

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 KEENAN G. WILKINS,)	No. C 10-3090 LHK (PR)
12 Plaintiff,)	ORDER GRANTING
13 v.)	EXTENSION OF TIME TO FILE
14 COUNTY OF ALAMEDA, et al.,)	AMENDED COMPLAINT
15 Defendants.)	

Plaintiff, a pretrial detainee proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On November 10, 2010, the Court dismissed Plaintiff's complaint with leave to amend, and directed Plaintiff to file an amended complaint within thirty days. Prior to Plaintiff's amended complaint being due, he filed a motion for clarification and a motion for extension of time.

In Plaintiff's motion for clarification, he states that although the Court addressed his § 1983 claims, it did not address his claims under 42 U.S.C. §§ 1985 and 1986. Plaintiff wanted to ensure that he could still bring claims under §§ 1985 and 1986. Because the Court dismissed the entire complaint with leave to amend, Plaintiff may bring whatever claims he wishes in his amended complaint, as long as he cures the deficiencies noted in the Court's October 10, 2010 order.

However, Plaintiff is advised that Section 1985(3) prohibits conspiracies to deprive a

1 person of the equal protection of the laws (first clause), or to hinder state authorities from
2 securing equal protection of the laws (second clause), or to interfere with federal elections (third
3 clause). *Kush v. Rutledge*, 460 U.S. 719, 720-25 (1983); *Bretz v. Kelman*, 773 F.2d 1026, 1027
4 n. 3 (9th Cir. 1985). To state a claim under Section 1985(3), Plaintiff must include factual
5 allegations showing the requisite conspiracy. *Karim-Panahi v. Los Angeles Police Dept.*, 839
6 F.2d 621, 626 (9th Cir. 1988). In addition, Section 1986 imposes liability on a person who
7 knows of any impending violation of Section 1985 but neglects or refuses to prevent it.
8 *Karim-Panahi*, 839 F.2d at 626. “A claim can be stated under section 1986 only if the complaint
9 contains a valid claim under section 1985.” *Id.*; see also *McCalden v. California Library Ass’n*,
10 955 F.2d 1214, 1223 (9th Cir. 1990) (same).

11 Keeping those requirements in mind, Plaintiff’s motion for clarification is GRANTED.
12 Plaintiff’s motion for an extension of time to file his amended complaint is GRANTED. Plaintiff
13 shall file his amended complaint no later than **thirty days** from the filing date of this order.

14 IT IS SO ORDERED.

15 DATED: 1/8/11

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LUCY H. KOH
United States District Judge

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